

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 835

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO CRIMINAL SENTENCING; INCLUDING FELONY OFFENDERS IN  
THE COUNTY COMPLIANCE PROGRAMS THAT MONITOR DEFENDANTS'  
COMPLIANCE WITH CONDITIONS OF PROBATION IMPOSED BY A DISTRICT  
OR MAGISTRATE COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-20-5.1 NMSA 1978 (being Laws 2000,  
Chapter 49, Section 1) is amended to read:

"31-20-5.1. MISDEMEANOR AND FELONY COMPLIANCE PROGRAMS--  
COUNTIES MAY ESTABLISH--FEES.--

A. A county may create a "misdemeanor and felony  
compliance program" to monitor defendants' compliance with the  
conditions of probation imposed by a district or magistrate  
court. The program shall be limited to participation by  
persons who have been convicted of a felony offense or a

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[bracketed material] = delete

1 misdemeanor criminal offense specified in the Criminal Code,  
2 convicted of driving while under the influence of intoxicating  
3 liquor or drugs or convicted of driving while the person's  
4 driver's license is suspended or revoked pursuant to the Motor  
5 Vehicle Code. A county's program shall comply with guidelines  
6 established by the administrative office of the courts.

7 B. As a condition of probation, the district or  
8 magistrate court may require the defendant to pay a fee of not  
9 less than fifteen dollars (\$15.00) nor more than ~~[thirty~~  
10 ~~dollars (\$30.00)]~~ eighty dollars (\$80.00) per month to the  
11 county for the term of ~~[his]~~ the defendant's probation. The  
12 county may also require the defendant to pay a fee that shall  
13 not exceed the amount necessary to cover the cost of  
14 implementing the monitoring of the defendant who is  
15 participating in the misdemeanor and felony compliance program.  
16 The county may in its discretion waive the fee when the  
17 defendant is unable to pay. Money collected by the county  
18 pursuant to this subsection shall be used only to operate the  
19 misdemeanor and felony compliance program.

20 C. The county may in its discretion exclude from  
21 the program defendants charged with violent felonies. As used  
22 in this subsection, "violent felony" means a felony in which  
23 the defendant uses or threatens the use of force."

24 Section 2. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2007.